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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro No. 10-04570 (CGM)

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Plaintiff,

v.

JACOB M. DICK REV LIVING TRUST DTD 4/6/01,  
et al,

Defendants.

**DECLARATION OF HELEN DAVIS CHAITMAN IN OPPOSITION TO THE  
TRUSTEE'S MOTION FOR SUMMARY JUDGMENT**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C.

§1746, as follows:

1. I am a member of Chaitman LLP, attorney for Defendants Jacob M. Dick Rev Living Trust, Article 8.1 Trust, Estate of Jacob M. Dick, and Andrea J. Marks, as trustee and beneficiary of the Jacob M. Dick Rev Living Trust (together “Defendants”)<sup>1</sup>. I am a member of the bars of New York and New Jersey, and I am admitted to practice in this Court.

2. I submit this declaration in support of Defendants’ opposition to the motion of the Plaintiff, Irving H. Picard (the “Trustee”), the Trustee for the Liquidation of Bernard L. Madoff Investment Securities, LLC (the “LLC”), for summary judgment in the above-referenced proceeding, pursuant to Local Rule 56.1.

3. Attached hereto as **Exhibit A**<sup>2</sup> is a true and accurate copy of relevant pages from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, (“*Nelson*”), Adv. Pro. Nos. 10-04377 and 10-04658 dated May 8, 2019.

4. Attached hereto as **Exhibit B** is a true and accurate copy of February 7 and 9, 1979 documents confirming a credit to Gunther and Margaret Unflat from “Bernard L. Madoff Investment Securities.” [Bates No. 10-5420\_Defendant\_0002412-13].

5. Attached hereto as **Exhibit C** is a true and accurate copy of a JPMorgan Chase Bank, N.A. (“JPMC”) statement dated November 29-December 31, 2008 for an account ending in 703 (“703 Account”). [Bates No. JPMSAB0004065-4090].

6. Attached hereto as **Exhibit D** is a true and accurate copy of Amendment to SEC Form BD for Bernard L. Madoff Investment Securities dated January 12, 2001.

7. Attached hereto as **Exhibit E** is a compilation of letters from Madoff and the LLC to the Bank of New York, the National Securities Clearing Corporation, the Options Clearing

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<sup>1</sup> The remaining defendants named in this action were dismissed. See footnotes 3 and 4 of Trustee’s Brief in Support of the Motion.

<sup>2</sup> Excerpted Exhibits are electronically filed pursuant to United States Bankruptcy Court, SDNY Electronic Filing Procedures II(A)(3), without prejudice. Complete exhibits are available forthwith to counsel and the Court on request.

Corporation and the Depository Trust Company. [Bates Nos. MESTABL00005744; MADTEE00544438; MADTEE00544725; MESTABL00005745].

8. Attached hereto as **Exhibit F** is a true and accurate copy of an email dated June 12, 2018 from Maximillian Shifrin, at Baker Hostetler, LLP to me.

9. Attached hereto as **Exhibit G** is a true and accurate copy of a FOCUS Report for period July 1 through September 30, 2007. [Bates No. MADTEE00461877-98].

10. Attached hereto as **Exhibit H** is a true and accurate copy of a FOCUS Report for period October 1 through October 31, 2007. [Bates No. MADTEE00462034-61].

11. Attached hereto as **Exhibit I** is a true and accurate copy of a FOCUS Report for period October 1 through December 31, 2007. [Bates No. MESTAAT00005365-92].

12. Attached hereto as **Exhibit J** is a true and accurate copy of a FOCUS Report for period January 1 through January 31, 2008. [Bates No. PUBLIC0002916-36].

13. Attached hereto as **Exhibit K** is a true and accurate copy of a FOCUS Report for period January 1 through March 31, 2008. [Bates No. PUBLIC0002958-78].

14. Attached hereto as **Exhibit L** is a true and accurate copy of a FOCUS Report for period May 1 through May 30, 2008. [Bates No. PUBLIC0003000-20].

15. Attached hereto as **Exhibit M** is a true and accurate copy of a compilation of miscellaneous Internal Revenue Service Form 1099 tax reporting forms for the period of 2001 through 2005 from Bernard L. Madoff Inv. Sec. LLC.

16. Attached hereto as **Exhibit N** is a true and accurate copy of the Bank of New York Due Diligence Form dated March 2, 2005. [Bates No. BNYM00000002-34].

17. Attached hereto as **Exhibit O** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated April 26, 2017.

18. Attached hereto as **Exhibit P** is a true and accurate copy of a letter dated January 24, 2011 from Stephen P. Harbeck at SIPC to Scott Garrett at The U.S. House of Representatives.

19. Attached hereto as **Exhibit Q** is a true and accurate copy of a JPMC statement dated January 1 through January 31, 2001 for the 703 Account. [Bates No. JPMSAB00000001-48].

20. Attached hereto as **Exhibit R** is a true and accurate copy of a JPMC statement dated December 1 through December 31, 2001 for the 703 Account. [Bates No. JPMSAB00000001-48].

21. Attached hereto as **Exhibit S** is a true and accurate copy of a compilation of JPMC Statements for the 509 Account.

22. Attached hereto as **Exhibit T** is a true and accurate copy of a compilation of JPMC Statements for the 703 Account

23. Attached hereto as **Exhibit U** is a true and accurate copy of a statement from JPMC dated August 1-August 30, 2002 for the 703 Account. [Bates No. JPMSAB0000100-151].

24. Attached hereto as **Exhibit V** is a true and accurate copy of a statement from JPMC dated August 31 through September 30, 2002 for the 703 Account. [Bates No. JPMSAB0000624-672].

25. Attached hereto as **Exhibit W** is a true and accurate copy of a check dated July 16, 2008 paid to “Bernard L. Madoff Securities” and endorsed by Bernard L. Madoff into the 703 Account. [Bates No. JPMSA10013257].

26. Attached hereto as **Exhibit X** is a true and accurate copy of a statement from JPMC for an account ending in 509 (the “509 Account”) dated December 1 through December 31, 1998 for the 509 Account. [Bates No. MADWAA00378495-98].

27. Attached hereto as **Exhibit Y** is a true and accurate copy of relevant pages from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, Adv. Pro. Nos. 10-04377 and 10-04658 dated May 9, 2019.

28. Attached hereto as **Exhibit Z** is a true and accurate copy of a compilation of checks from JPMC for the period 1998 through 2008 from the 509 Account evidencing withdrawals from Bernard L. Madoff to Defendants.

29. Attached hereto as **Exhibit AA** is a true and accurate copy of the July 17, 1991 letterhead of Bernard L. Madoff Investment Securities. [Bates No. MADTSS01301365-01301371].

30. Attached hereto as **Exhibit AB** is a true and accurate copy of relevant pages from documents dated April 5, 1995 in the name of Jacob M. Dick and June Dick, TIC [Bates No. AMF00254458-69].

31. Attached hereto as **Exhibit AC** is a true and accurate copy of a Statement from Jacob M. Dick and June Dick, TIC C & M Trading Account at Bernard L. Madoff for the period April 1995 for the Account, 1CM325. [Bates No. MF00197053].

32. Attached hereto as **Exhibit AD** is a true and accurate copy of a Statement from Jacob M. Dick and June Dick, TIC C & M Trading Account at Bernard L. Madoff for the period May 2004 for the Account, 1CM325. [Bates No. MDPTPP01153997-001].

33. Attached hereto as **Exhibit AE** is a true and accurate copy of a Statement from Jacob M. Dick and June Dick, TIC C & M Trading Account at Bernard L. Madoff for the period March 2005 for the Account, 1CM325. [Bates No. MDPTPP01154026-27].

34. Attached hereto as **Exhibit AF** is a true and accurate copy of a Portfolio Management Statement from Living Trust Account, 1CM883. [Bates No. MDPTQQ001 83407].

35. Attached hereto as **Exhibit AG** is a true and accurate copy of a compilation of miscellaneous Internal Revenue Service Form 1099 tax reporting forms for the period of 1999 through 2005 from Bernard L. Madoff to Defendants.

36. Attached hereto as **Exhibit AH** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated December 20, 2016.

37. Attached hereto as **Exhibit AI** is a true and accurate copy of a compilation of statements from Bear Stearns and from JPMC. [Bates Nos. BSTSAC0000364-371; BSTSAC0000325-332; BSTSAC0000306-312; JPMDAB0004257-4311].

38. Attached hereto as **Exhibit AJ** is a true and accurate copy of relevant pages from a transcript of the deposition of Joann Crupi in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated May 23, 2019.

39. Attached hereto as **Exhibit AK** is a true and accurate copy of relevant pages from a trial transcript of the testimony of Frank DiPascali, Jr. in *United States v. Bonventre, et al.*, 10-CR-228 dated December 10, 2013.

40. Attached hereto as **Exhibit AL** is a true and accurate copy of the Government's Exhibit 105-c171 from a trial transcript of the testimony of Frank DiPascali, Jr. in *United States v. Bonventre, et al.*, 10-CR-228 dated December 5 and 10, 2013 and January 13, 2014.

41. Attached hereto as **Exhibit AM** is a chart of Madoff owned Lehman Brothers and 703 account statements with its attachments.

42. Attached hereto as **Exhibit AN** is a true and accurate copy of a Bear Stearns ("BS") for account ending in 698 ("BS Account") Statement dated June 1, 1998 through June 30, 1998. [Bates No. BSTSAC0000397-400].

43. Attached hereto as **Exhibit AO** is a true and accurate copy of a BS Account Statement dated February 24, 2001- March 30, 2001. [Bates No. BSTSAC0000057-061].

44. Attached hereto as **Exhibit AP** is a true and accurate copy of a BS Account Statement dated June 29, 2002 - July 26, 2002. [Bates No. BSTSAC0000262-267].

45. Attached hereto as **Exhibit AQ** is a true and accurate copy of a BS Account Statement dated January 1, 2004- January 30, 2004. [Bates No. BSTSAC0000222-227].

46. Attached hereto as **Exhibit AR** is a true and accurate copy of a Bank of New York Account Statement for period ending October 31, 2005. [Bates No. MADWAA00353802-809].

47. Attached hereto as **Exhibit AS** is a true and accurate copy of a Fidelity Investments (“FI”) statement for account ending in 043 Statement for period January 1, 1999 through November 30, 1999. [Bates No. FMRSAA0114386-414].

48. Attached hereto as **Exhibit AT** is a true and accurate copy of a FI statement for period January 1, 2002 through December 31, 2002. [Bates No. FMRSAA0114503-555].

49. Attached hereto as **Exhibit AU** is a true and accurate copy of a FI statement for period January 1, 2005 through December 31, 2005. [Bates No. FMRSAA0114659-712].

50. Attached hereto as **Exhibit AV** is a true and accurate copy of a Morgan Stanley account statement for period ending September 30, 2005 for the redacted Account. [Bates No. MSYSAB0000331-339].

51. Attached hereto as **Exhibit AW** is a true and accurate copy of the Declaration of Ira Schall, C.P.A. dated August 21, 2017.

52. Attached hereto as **Exhibit AX** is a copy of the Form ADV Uniform Application for Investment Adviser Registration for Bernard L. Madoff Investment Securities dated August 25, 2006. [Bates No. PUBLIC0003729-762].

53. Attached hereto as **Exhibit AY** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated June 15, 2016.

54. Attached hereto as **Exhibit AZ** is a true and accurate copy of relevant pages from a Plea Allocation transcript of the testimony of Bernard L. Madoff in *United States v. Bernard L. Madoff*, 09-CR-213 dated March 12, 2009.

55. Attached hereto as **Exhibit BA** is a true and accurate copy of relevant pages from a Plea Allocation transcript of the testimony of Enrica Cotellessa-Pitz in *United States v. Bonventre, et al.*, 10-CR-228 dated December 19, 2011.

56. Attached hereto as **Exhibit BB** is a true and accurate copy of a Memorandum Opinion and Order in *Picard v. RAR Entrepreneurial Fund, LP*, S.D.N.Y Case No. 20-CV-1029 (JMF) dated July 14, 2021, at ECF No. 90.

57. Attached hereto as **Exhibit BC** is a true and accurate copy of the Expert Report of Bruce G. Dubinsky in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated November 25, 2015.

58. Attached hereto as **Exhibit BD** is a true and accurate copy of the Trustee's Supplemental Memorandum of Law in Support of Trustee's Motion Affirming Treatment of Profit Withdrawal Transactions, *SIPC v. BLMIS*, 08- 01789 (CGM), filed August 12, 2016, ECF No. 13876.

59. Attached hereto as **Exhibit BE** is a true and accurate copy of relevant pages from a hearing transcript in *Picard v. Savin*, Adv. Pro. No. 10-04889 dated March 17, 2020.

Dated: March 18, 2022  
New York, New York

**CHAITMAN LLP**  
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